
**ARTICLE 34. General Bylaw – Establishment of Municipal Affordable Housing Trust
(Housing and Sheltering Committee)**

To see if the Town will vote to accept M.G.L. c.44, §55C, and establish a Municipal Affordable Housing Trust Fund to be known as the Amherst Affordable Housing Trust Fund (“the Trust”), whose purpose shall be to provide for the creation and preservation of affordable housing for the benefit of low and moderate income households, and further to amend the General Bylaws of the Town by inserting a new Bylaw in Article IV to be entitled “Amherst Affordable Housing Trust Fund,” as follows:

AMHERST AFFORDABLE HOUSING TRUST FUND

1. There shall be a Board of Trustees of the Amherst Affordable Housing Trust Fund, composed of seven members, of whom one shall be a member of the Select Board, one shall be a member of the Housing & Sheltering Committee, one shall be a member of the Board of Commissioners of the Amherst Housing Authority, and four shall be residents who would bring to the Trust relevant experience in the fields of real estate, housing, banking, architecture, social services, or the like. The Select Board shall appoint the Trustees for terms not to exceed two years, except that three of the initial trustee appointments shall be for a term of one year, so as to allow staggered terms. Said Trustees may be re-appointed at the discretion of the Select Board. Vacancies shall be filled by the Select Board for the remainder of the unexpired term. Any member of the Board of Trustees may be removed by the Select Board for cause after the opportunity of a hearing. Nothing in this section shall prevent the Select Board from appointing the Town Manager as an ex-officio eighth member, without the power to vote.

2. The Trustees are hereby authorized to execute a Declaration of Trust and Certificate of Trust for the Amherst Affordable Housing Trust Fund, to be recorded with the Hampshire County Registry of Deeds and filed with the Hampshire Registry District of the Land Court.

3. The powers of the Board of Trustees, all of which shall be carried on in furtherance of the purposes set forth in M.G.L. c. 44, § 55C, shall include the following:

a. to accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the trust in connection with any ordinance or by-law or any general or special law or any other source, including money from M.G.L. c. 44B;

b. to purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;

c. to sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to trust property as the Board deems advisable notwithstanding the length of any such lease or contract;

d. to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Board engages for the accomplishment of the purposes of the Trust;

- e. to employ advisors and agents, such as accountants, appraisers and lawyers as the Board deems necessary;
- f. to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the Board deems advisable;
- g. to apportion receipts and charges between incomes and principal as the Board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;
- h. to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;
- i. to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the Board may deem proper and to pay, out of Trust property, such portion of expenses and compensation of such committee as the Board may deem necessary and appropriate;
- j. to carry property for accounting purposes other than acquisition date values;
- k. to borrow money on such terms and conditions and from such sources as the Board deems advisable, to mortgage and pledge trust assets as collateral;
- l. to make distributions or divisions of principal in kind;
- m. to comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the Trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the Board may deem appropriate;
- n. to manage or improve real property; and to abandon any property which the Board determined not to be worth retaining;
- o. to hold all or part of the Trust property uninvested for such purposes and for such time as the Board may deem appropriate; and
- p. to extend the time for payment of any obligation to the trust.
- q. to take any other action relative thereto.

4. These powers shall be subject to the following limitations:

- a. any purchase, sale, lease, exchange, transfer or conveyance of any interest in real property must be approved by five of the seven voting members.
- b. the Trustees may incur debt, borrow money, grant mortgages and pledge Trust assets only in an amount not to exceed 80% of the Trust's total assets.

- c. any debt incurred by the Board shall not constitute a pledge of the full faith and credit of the Town of Amherst and all documents related to any debt shall contain a statement that the holder of any such debt shall have no recourse against the Town of Amherst with an acknowledgement of said statement by the holder.

5. The Board of Trustees shall provide for an annual audit of the books and records of the Trust. Such audit shall be performed by an independent auditor in accordance with accepted accounting practices. Upon receipt of the audit by the Board of Trustees, a copy shall be provided forthwith to the Select Board.

**ARTICLE 35. Resolution - Right to Organize
(Human Rights Commission)**

To see if the Town will vote to adopt the following resolution:

WHEREAS, the Universal Declaration of Human Rights declares at Article 23(4): Everyone has the right to form and to join trade unions for the protection of their interests; and

WHEREAS, unions have historically helped to bring economic and social democracy to American society; and

WHEREAS, the Town of Amherst, wishes to promote respect for human rights, including workers' freedom to form unions without employer interference and bargain collectively, and has a history of support for the freedom to form unions and the important public benefits inherent in collective bargaining; and

NOW THEREFORE, BE IT RESOLVED THAT the Amherst, Massachusetts Town Meeting

1. Supports the rights of workers to organize and bargain collectively.
2. Calls upon employers to:
 - a. Recognize the rights of those who work for them either directly or indirectly (under contractual arrangements) to be treated with dignity, to be paid a living wage, and to work in a healthy, safe, and secure workplace; and
 - b. Respect that the question to unionize or not is for employees to decide, and agree not to express an opinion either pro or con on the merits of unionization; and
 - c. Abide by their employees' decision when a majority indicates (by card check, an election supervised by the NLRB or other neutral body, petition, or other public statement) that it supports union representation, and engage in collective bargaining to achieve a written agreement without undue delay; and
 - d. Refrain from abusing National Labor Relations Board elections and appeals by using them as means for delaying or avoiding representation for their employees; and
 - e. Refrain from abusing the rights of undocumented immigrant workers; and

Be it further resolved that the Human Rights Commission will support attention to workers' human rights in accordance with the Universal Declaration of Human Rights Article 23 which refers to workers' rights.¹

Each year the local chapter of the Western Massachusetts Workers' Rights Board shall provide the Human Rights Commission with a list of employers who respond affirmatively to Section 1 and 2 above. The Human Rights Commission shall examine the list and convey it to the Amherst Town Manager for public announcement.